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October 18, 2013

VIA ECF AND FEDERAL EXPRESS

Honorable Michael A. Shipp, U.S.D.J.
United States District Court
District of New Jersey
Clarkson S. Fisher Building and U.S. Courthouse
402 East State Street, Room 7W
Trenton, New Jersey 08608

Re: ***In re New Jersey Tax Sales Certificates Antitrust Litig.***
Master Docket No.: 3:12-CV-01893-MAS-TJB

Dear Judge Shipp:

Pursuant to the Court's October 8, 2013 Order (Dkt. No. 294), the parties submit the following joint letter updating the Court on the current status of settlement negotiations between plaintiffs and defendants.

Despite a series of negotiations, settlements-in-principle have not been reached with any additional defendants since the Court's October 8, 2013 status conference, although discussions are ongoing and the details of those negotiations will be provided to the Court in the parties' confidential *ex parte* submissions due on October 21. Thus, in addition to the settlement agreements between plaintiffs and the Butler/Farber Defendants; the Mercer Defendants; Richard J. Pisciotta, Jr.; William A. Collins; Isadore H. May; Robert E. Rothman; the Crusader Defendants; and the Sass Defendants, all of which have already been submitted to the Court, the only settlement-in-principle in the current action which has not been finalized (but should be shortly) is between plaintiffs and Plymouth Park Tax Services LLC.¹

For the convenience of the Court, the parties believe the following motions remain outstanding:

- 1) The Omnibus Motion to Dismiss with Non-Settling Defendants (Dkt. No. 174);
- 2) The Motion to Dismiss by Defendants Benedict Caiola and Phoenix Funding (Dkt. No. 180);

¹ Plaintiffs have also agreed to a settlement-in-principle with Norman T. Remick, one of the defendants in the newly-filed complaint that has not yet been consolidated with *In re New Jersey Tax Sales Certificates Antitrust Litig.*, 3:12-01893-MAS-TJB.



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- 3) The Motion to Dismiss, or in the alternative to sever and stay the proceeding against Defendant MTAG Services LLC ("MTAG") or alternatively for discrete discovery as to MTAG on the successor liability issue by Defendant MTAG (Dkt. No. 182);
- 4) The Motion to Dismiss by Defendant Mooring Tax Asset Group, LLC (Dkt. No. 186);
- 5) The Motion to Dismiss by Defendants Gary I. Branse and Michael G. Deluca (Dkt. 188);
- and
- 6) The Motion to Dismiss by Defendants American Tax Funding, LLC; BBX Capital Corporation; Fidelity Tax LLC; and Plymouth Park Tax Services LLC (Dkt. Nos. 173, 193).

In addition to these motions, the Crestar Defendants' judgment on the pleadings (Dkt. No. 279) is still pending.

Respectfully Submitted,

/s/ Bruce D. Greenberg
Bruce D. Greenberg

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cc: All counsel via ECF